

REMARKS

Claims 1, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomcik et al. (US Patent 6,567,388 hereafter Tomcik) in view of Matsumoto et al. (US Patent No. 5,414,717) hereinafter "Matsumoto". Claim 1 has been amended to clarify that when a NAK needs to be transmitted over a channel for a first time, the NAK is transmitted only when data or other channel information does not need to be transmitted over the channel. In other words, no NAKs are sent if data or other channel information needs to be transmitted. Tomcik does not teach "determining that a NAK needs to be transmitted over a channel for a first time; determining if data or other channel information currently needs to be transmitted over the channel; and transmitting the NAK only when data and other channel information does not need to be transmitted over the channel.

Column 9, lines 3 to 19 teaches a two step process for transmitting NAKs in which a first NAK is inserted into a stream of frames awaiting transmission, thus displacing transmission of a normal frame. Subsequent NAKs are transmitted only if no normal data frames are immediately present for placement into the transmission stream. Thus, in Tomcik, the first NAK is transmitting along with normal data, displacing a normal data frame. Only with subsequent NAKs does the Tomcik method transmit NAKS only when there is no other data awaiting immediate transmission. By contrast, the method of amended claim 1, transmits a NAK for the first time over a channel only when no data or other channel information need to be transmitted over the channel.

Independent claims 4 and 7 have been amended similar to claim 1. Thus, Applicants submit the claims 4 and 7 are patentable over the art cited for the reasons set forth above with respect to claim 1. In particular, with respect to claim 7, Tomcik does not teach instructing a NAK generator to generate NAKs only when a transmission status of the transmitter comprises information that no data or other channel information is currently awaiting transmission. In Tomcik, one NAK is always generated whether there is a normal data frame awaiting transmission or not.

Based on the foregoing amendments and remarks, Applicants submit that independent claims 1, 4 and 7 are allowable and dependent claims 2, 3, 5, 6 and 9 are allowable by virtue of their dependency on claims 1, 4 and 7, respectively. Claim 8 has been canceled. Applicants request the reconsideration and reexamination of this application and the timely allowance of the pending claims. Please charge any fees associated herewith, including extension of time fees, to 50-2117.

Respectfully submitted,
Vukovic, Ivan, et al.

SEND CORRESPONDENCE TO:

Motorola, Inc.
Law Department

Customer Number: **22917**

By: /Lalita W. Pace/

Lalita W. Pace
Attorney for Applicant
Registration No.: 39,427
Telephone: 847-538-5855
Fax: 847-576-3750